

## **IC 34-20-6**

### **Chapter 6. Defenses**

#### **IC 34-20-6-1**

##### **Applicability of defenses**

Sec. 1. The defenses in this chapter are defenses to an action brought under this article (or IC 33-1-1.5 before its repeal).

*As added by P.L.1-1998, SEC.15.*

#### **IC 34-20-6-2**

##### **Burden of proof**

Sec. 2. The burden of proof of any defense raised in an action under this article (or IC 33-1-1.5 before its repeal) is on the party raising the defense.

*As added by P.L.1-1998, SEC.15.*

#### **IC 34-20-6-3**

##### **Use of product with knowledge of defect or danger**

Sec. 3. It is a defense to an action under this article (or IC 33-1-1.5 before its repeal) that the user or consumer bringing the action:

- (1) knew of the defect;
- (2) was aware of the danger in the product; and
- (3) nevertheless proceeded to make use of the product and was injured.

*As added by P.L.1-1998, SEC.15.*

#### **IC 34-20-6-4**

##### **Misuse of product**

Sec. 4. It is a defense to an action under this article (or IC 33-1-1.5 before its repeal) that a cause of the physical harm is a misuse of the product by the claimant or any other person not reasonably expected by the seller at the time the seller sold or otherwise conveyed the product to another party.

*As added by P.L.1-1998, SEC.15.*

#### **IC 34-20-6-5**

##### **Modification or alteration of product**

Sec. 5. It is a defense to an action under this article (or IC 33-1-1.5 before its repeal) that a cause of the physical harm is a modification or alteration of the product made by any person after the product's delivery to the initial user or consumer if the modification or alteration is the proximate cause of physical harm where the modification or alteration is not reasonably expectable to the seller.

*As added by P.L.1-1998, SEC.15.*